

**ZB# 71-19**

**Newburgh Muffler Inc./  
McRobert's Property**

**(no SBL given)**

Michael Razansky

Public Hearing -

Oct. 18, 1971

8 p.m.

Copy of Application  
to Orange Co. Planning Dept  
on 10/18/71. Pat.

all fees paid

7/1-19.  
Newburgh  
Muller, Inc. &  
McRoberts  
Properties -  
M. Razansky

filed - 7/2/15/71  
9:13 a.m.

71-19.  
Newbury  
Muffler,  
Inc. &  
McRobert's  
Properties  
M. Razumsky



**PUBLIC NOTICE OF HEARING  
BEFORE THE  
ZONING BOARD OF APPEALS**  
PLEASE TAKE NOTICE that  
the Zoning Board of Appeals of  
the Town of New Windsor, New  
York, will hold a public hearing  
pursuant to Section 48-33A of the  
Zoning Ordinance on the following  
proposition:  
Appeal No. 19  
Request of MCROBERTS PRO-  
PERTIES, and NEWBURGH  
MUFFLER, INC. for a Variance  
of the regulations of the Zoning  
Ordinance, to permit the erection  
of a double faced sign on prop-  
erty owned by them, being a  
Variance of Article V, Section 48-  
10B (3), for property owned by  
him situated as follows: At No.  
10 Windsor Highway New  
Windsor, N.Y.  
SAID HEARING will take place  
on the 18th of October, 1971, at  
the New Windsor Town Hall, 555  
Union Avenue, New Windsor,  
N.Y. beginning at 8 o'clock P.M.  
FRED WYGANT  
Chairman  
By: Patricia Dello  
Secretary  
Oct. 8

**State of New York  
County of Orange, ss:**

Hugh V. Nocton , being duly sworn deposes and  
says that he is .....Principal Clerk..... of Newburgh-  
Beacon News Co., Inc., Publisher of The Evening News.  
a daily newspaper published and of general circulation in  
the Counties of Orange and Dutchess, and that the notice  
of which the annexed is a true copy was published .....  
.....One Time.....  
in said newspaper, commencing on the.....8th.....day of  
.....October.....A.D., 1971 , and ending on  
the .....8th..... day of .....October..... A.D., 19 71

**Subscribed and sworn to before me this**  
.....8th..... day of.....October.. 19...71.

} *Hugh V. Nocton*  
*Fred WYGANT*

.....  
**Notary Public of the State of New York, County of Orange.**  
**MY COMMISSION EXPIRES MARCH 30, 1973**

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application # 71-19

Date: Sept. 1971

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

~~XX~~ (WE) NEWBURGH MUFFLER, INC. and of 10 Windsor Highway, New Windsor,  
(Street & number)

MC ROBERTS PROPERTIES, INC.

9 (State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

A. LOCATION OF THE PROPERTY No. 10 Windsor Highway,  
(Street & Number) (Use district on Map)

B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, by number, sub-section and paragraph of the Zoning Ordinance applicable. Do not quote the ordinance: Art. V - Sec. 48-18 B (3))

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's lands, structures or building and do not apply to the neighboring lands, structures or buildings in the same zone because:

There is no other muffler shop in the area; there are, however,

several other commercial properties and businesses and a sign

to designate the type of operation is needed; without it, a hardship exists.

2. Strict application of the provisions of the ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: this shop was recently opened on October 1st and is a new

location for the Midas Muffler trade. We need this sign so that our customers will know of our new location.

3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the applicant erected this temporary sign subsequent to

the opening of the shop on October 1st just to let customers know

where the new is located.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: of the zoning in this area, all the other business  
type operations adjacent and across the street will not be  
affected by this sign.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: there are several other commercial properties  
located within the area and all are allowed to advertise in  
the form of signs on the exterior of their properties.
- D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.  
/The temporary sign which is erected in front of the Midas Muffler  
shop is in violation - it being too large in size. Only 40 sq.  
feet of sign is allowed according to store frontage. There is  
presently a 136 sq. foot sign in front of the operation which is  
in violation of the Ordinance (See attached picture.)
- E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount of \$10.00 . Application to be returned to: Secretary of the Zoning Board of Appeals.
- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the Ordinance.
- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified.

Dated: October 6, 1971

Michael H. Ryan  
Signature of Applicant

STATE OF NEW YORK )  
COUNTY OF ORANGE ) SS

Sworn to this 6th day of October, 1971

10 Windsor Highway  
Address

Patricia D. O'Neil  
(Notary Public - Orange Co.)  
my Comm. Exp. 3/31/72

561-5180  
Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. 71-19  
Date of Hearing Nov. 1, 1971 Oct. 18, 1971.  
Date of Decision Nov. 15, 1971

Date Received 9/71  
Notice Published Oct. 8, 1971

DECISION:

Variance Denied - 5 affirmative votes needed.  
Variance approved 12/6/71 6 votes - gotten  
52-07 for gotten

LAW OFFICES

SIEGEL, GREEN & FIEDELHOLTZ

LAWRENCE SIEGEL  
IRVING A. GREEN  
JERALD FIEDELHOLTZ

DONALD R. BECKER

185 GRAND STREET

*Newburgh, New York 12550*

(914) 562-1100

270 QUASSAICK AVENUE

*New Windsor, New York 12550*

(914) 562-4630

PLEASE REPLY TO New Windsor Office

November 22, 1971

Mr. Fred Wygant, Chairman  
Zoning Board of Appeals  
Town Hall, Union Avenue  
New Windsor, New York

Re: Midas Muffler

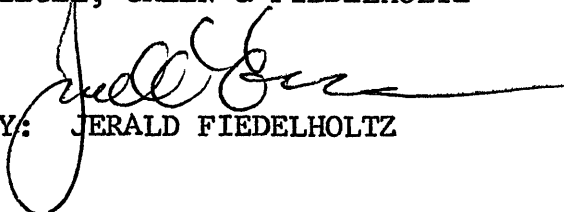
Dear Mr. Wygant:

My client, Michael Razansky, would like to have a re-hearing in this matter as soon as possible.

I understand that according to Section 267, Subdivision 6 of the Town Law, a re-hearing will be permitted.

Very truly yours,

SIEGEL, GREEN & FIEDELHOLTZ

BY:  JERALD FIEDELHOLTZ

JF:mw

cc: Michael Razansky

Copy  
2 BA

November 22, 1971

Mr. Michael Razansky  
Midas Muffler  
Route 32  
New Windsor, New York 12550

Dear Mr. Razansky:

On September 13th, you requested to appear before the Zoning Board of Appeals for a variance of the Zoning Ordinance to erect a sign which was in excess of the permitted size.

A public hearing, as requested, was held on October 18th.

The Zoning Board has informed me that your request for a variance has been denied.

After your application for a variance, and before the Board had held a public hearing, you erected this sign in violation of the Ordinance and without obtaining a building permit. A Notice of Violation was issued to you on October 6, 1971.

Inasmuch as the Zoning Board has refused to permit this sign, it must be removed within ten (10) days.

Yours truly,

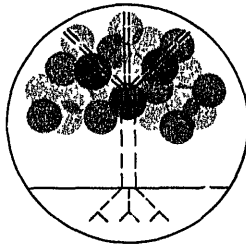
Howard R. Collett  
Building & Zoning Inspector

HRC:cg



# Department of Planning

Peter Garrison, AIP, Commissioner  
Edwin J. Garling, AIP, Deputy Commissioner



The County Building  
Goshen, New York 10924  
(914) 294-5151

# County of Orange

Louis V. Mills, County Executive

November 5, 1971

Mr. Fred Wygant, Jr., Chairman  
Town of New Windsor Zoning Board of Appeals  
Forge Hill Road  
New Windsor, New York 12550

Re: Sign variance - Midas  
Muffler (Route 32)

Dear Mr. Wygant:

We acknowledge receipt of the above variance application. Pursuant to the provisions of Sections 239, L and M, of the General Municipal Law, we have made our review.

We grant our approval subject to the following recommendations:

1. The sign should not exceed 80 square feet for all faces.
2. The sign should be set back at least ten (10) feet from the street line.
3. The maximum height of the sign should not extend above the roof level of the building. The Zoning Board should consider a maximum height of, perhaps, no more than thirty (30) feet above ground level.

Very truly yours,



Peter Garrison  
Commissioner of Planning

PG:mj  
Encls:

Forge Hill Rd.  
New Windsor, N.Y.  
June 14, 1971

Theodore F. Marsden, Supervisor  
and Town Board Members  
Town of New Windsor  
Town Hall - 555 Union Avenue  
New Windsor, N. Y. 12550

Re: Proposed Amendment - Zoning Ordinance

Dear Mr. Marsden and Board Members:

At the June 7, 1971 meeting of the Zoning Board of Appeals, the following amendment to the Zoning Ordinance was proposed:

Motion by Mark Stortecky, seconded by Lawrence Bilello that when an appeal has been duly processed and denied by at least 4 members of the Board, said appeal shall not be eligible for reconsideration or rehearing for 6 months following such denial, except that a new application which is substantially different from the denied application may be eligible for reconsideration or rehearing within 6 months of the denial of the original appeal.

The above motion was carried - 5 ayes - 2 nays.

Please consider the above proposed Amendment and let us hear from you.

Yours very truly,

FRED WYGANT,  
Chairman

?pd

Public Hearing 10/8/71 - Newburgh

Spectators:

Name:

Address:

Tom Mc Donald

~~240~~ 10 Windsor Highway

V. Brown

New Windsor N.Y.



Eastern  
Regional  
Headquarters

Alfred C. Barnett  
District Manager  
9 Niles Drive  
Woodstock, New York 12498  
Phone (914) 679-6003

Suite 622 • 3355 Lenox Road, N.E. • Atlanta, Ga. 30326 • (404) 261-6510

October 13, 1971

MIDAS MUFFLER SHOP  
ROUTE 32  
NEW BURG, N.Y.

DEAR MR. RAZANSKY:

THIS LETTER IS TO CLARIFY MY COMPANY'S DESIRES AND  
REQUIREMENTS REGARDING IDENTIFICATION.

IN THE EFFORT TO OBTAIN STANDARDIZATION WE REQUIRE ALL  
MIDAS SHOPS TO PROMINENTLY DISPLAY MIDAS IDENTIFICATION. THE  
VALUE OF A NATIONWIDE FRANCHISE IS REDUCED, SIGNIFICANTLY,  
IF A FRANCHISEE CANNOT, OR WILL NOT, IDENTIFY HIMSELF AS  
A PART OF THAT PROGRAM. OUR NATIONAL ADVERTISING  
CAMPAIGN IS GEARED TOWARD CREATING CONSUMER AWARENESS  
OF THE NAME MIDAS. IF THE NAME MIDAS CANNOT, OR WILL  
NOT, BE DISPLAYED, THE CONTRIBUTIONS MADE BY MIDAS AND  
YOURSELF ARE EFFECTED ADVERSELY.

WE INSIST ON ADEQUATE IDENTIFICATION OF ALL  
MIDAS MUFFLER SHOPS.

YOURS TRULY,

Alfred C. Barnett



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

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Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

September 13, 1971

McRoberts Auto Spring Company, Inc.  
10 Windsor Highway  
New Windsor, New York 12550

Dear Sir:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property you inquired about.

The charge for this service is \$15.00. Please remit same to me, c/o the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12550, making the check payable in my name.

Respectfully,

*Ellsworth E. Weyant*  
ELLSWORTH E. WEYANT  
Chairman  
Board of Assessors  
Town of New Windsor

EEW:pt  
Enc.



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman  
Ellsworth E. Weyant  
555 Union Avenue  
New Windsor, New York 12550  
(914) 565-8808

McRoberts Auto Spring Company, Inc.  
Attachment

- ✓ City of Newburgh  
City Hall  
Newburgh, New York 12550
- ✓ McDonald & McDonald  
10 Windsor Highway  
New Windsor, New York 12550
- ✓ David J. Lockard & Michael J. Mindas  
3 Windsor Highway  
New Windsor, New York 12550
- ✓ Erie Lackawanna Railroad c/o David A. Lerch  
112 Prospect Avenue S.E.  
Cleveland 15, Ohio
- ✓ Elliott M. Weiner  
1 Hinchcliffe Drive  
Newburgh, New York 12550
- ✓ Abraham & Molly Epstein  
P.O.B. 2217 - 399 Ann Street  
Newburgh, New York 12550
- ✓ Anna G. Torry & Fred H., Charles W. Green, Jr.  
76 Windsor Highway  
New Windsor, New York 12550
- ✓ Weyerhaeuser Company c/o H. F. Sachleben  
P.O.B. 710  
Camden 1, New Jersey
- ✓ Gallagher's (K.W.G. Realty Corporation)  
P.O.B. 2628  
Newburgh, New York 12550

Respectfully submitted,  
*Ellsworth E. Weyant*  
ELLSWORTH E. WEYANT, Chairman  
Board of Assessors  
Town of New Windsor

EEW:pt

Adjudicate Sept 20th?  
R2.

Sept 13, 1971

APPLICATION is hereby made for the following:

Agenda ✓ Service           

1. Name MIDAS Muffler Shops.

Address BT-52, Newburgh, N.Y.

Telephone Number 561-5190

Are you the owner of the property? NO (Mc Roberts Inc.)

2. Briefly describe intention (or attach) and location of property:

10 Windsor Highway, New Windsor, N.Y.  
Erect SIGN on SAID property.  
4X7 ONE SIDE E.C.

3. PLANNING BOARD

           Site Plan Preliminary Meeting

           Subdivision Preliminary Meeting

           Informational Meeting

AGENDA DATE           

4. ZONING BOARD OF APPEALS

           Interpretation of Ordinance or Map

✓            Variance (Notify F/B - Plans if necessary)

           Informational Meeting

AGENDA DATE           

5. BUILDING PERMIT

           Planning Board action needed

           Z.B.A. action needed

           Site Plan needed

           Subdivision approval needed

           Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of

No. 71-18

*[Handwritten signature and scribbles]*

Sept 13, 1971

APPLICATION is hereby made for the following:

Agenda ☒ Service ☐

1. Name MIDAS Muffler Shops.

Address BT. 52, Newburgh, N.Y.

Telephone Number 561-5190

Are you the owner of the property? NO (McRoberts Inc.)

2. Briefly describe intention (or attach) and location of property:

10 Windsor Highway, New Windsor, N.Y.  
Erect SIGN ON SAID property.  
4X7 ONE SIDE E.

3. PLANNING BOARD

☐ Site Plan Preliminary Meeting

☐ Subdivision Preliminary Meeting

☐ Informational Meeting

AGENDA DATE \_\_\_\_\_

4. ZONING BOARD OF APPEALS

☐ Interpretation of Ordinance or Map

☒ Variance (Notify F/B - Plans if necessary)

☐ Informational Meeting

AGENDA DATE \_\_\_\_\_

5. BUILDING PERMIT

☐ Planning Board action needed

☐ Z.B.A. action needed

☐ Site Plan needed

☐ Subdivision approval needed

☐ Water, Sewer and Highway action needed

ACTION TAKEN:

I do hereby affirm that all fees, permits and charges applicable under the laws and ordinances of the State of New York and the Town of New Windsor will be paid and that any expenses for advertising of Public Hearing or meetings will be paid. Also any legal or engineering fees for review of this project.

Signed: Michael S. Regan  
(APPLICANT)



Building Department

(CITY, TOWN OR VILLAGE) OF NEW WINDSOR 555 UNION AVE  
(Address and Telephone Number)

County of: Orange

**Order to Remedy Violation**

Location... ROUTE 32 10 WINDSOR HWY

Map No.: ..... Section: ..... Block: ..... Lot: .....

Date... Oct 6 ... 1971

TO.. MIDAS MUFFLER SHOPS .....  
(owner or authorized agent of owner)  
..... 10 WINDSOR HWY .....  
(address of owner or authorized agent of owner)

**PLEASE TAKE NOTICE** there exists a violation of:

The State Building Construction Code .....  
Zoning Ordinances ..... ✓  
Other Applicable Laws, Ordinances or Regulations .....

at premises hereinafter described in that IDENTIFICATION SIGN ERECTED  
(state character of violation)  
WITH. OUT .. BUILDING PERMIT .....

in violation of... 48-9 B (d) .....  
(state section or paragraph of applicable law, ordinance or regulation)

**YOU ARE THEREFORE DIRECTED AND ORDERED** to comply with the law and to  
remedy the conditions above mentioned forthwith on or before the 16<sup>th</sup> day of  
October 1971.

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Calvert  
Superintendent of Buildings

PLEASE PUBLISH ON OR BEFORE October 8, 1971: Send bill to :

Midas Muffler  
10 Windsor Highway  
New Windsor, N. Y. Attn: Michael Razansky

PUBLIC NOTICE OF HEARING BEFORE  
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the  
Town of New Windsor, New York, is holding  
a public hearing pursuant to Section 48-33 of the  
Ordinance on the following proposition:

Appeal No. 19 MC ROBERTS PROPERTIES and  
Request of NEWBURGH MUFFLER, INC.  
Variance ~~XXXXXXXXXXXXXXXXXXXX~~ of the  
the Zoning Ordinance, to permit the erection of a double -  
faced sign on property owned by them  
a Variance ~~XXXXXXXXXXXXXXXXXXXX~~ of Article V  
Section 48-18 B (3) for property owned by  
as follows: At No. 10 Windsor Highway, New Windsor, N. Y.

SAID HEARING will take place on the 18th of October, 1971,  
New Windsor Town Hall Windsor, N. Y.  
at the 555 Union Avenue, New beginning at 8

FRED WYGANT,  
Chairman

By: Patricia Delio, Secretary